

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARYL COOK

FILED

: CIVIL ACTION

v.

JUN 15 2017

: NO. 17-331

CITY OF PHILADELPHIA, et al. By KATE BARKMAN, Clerk : (The Honorable Eduardo Robreno)

REPLY TO RESPONSE OF JUDICIAL DEFENDANT JACQUELINE ALLEN IN OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO CONDUCT DISCOVERY AND RESPOND TO DEFENDANT JACQUELINE ALLEN'S MOTION TO DISMISS WITH

IN SIXTY (60) DAYS

AND NOW COMES Plaintiff, pro se, who respectfully reply to the above-said response of "Judicial Defendant Jacqueline Allen", and thus request this Honorable Court to grant his motion for leave to conduct discovery and respond to Defendant Allen's motion to dismiss within sixty (60) days, for the following reasons:

Contrary to Defendant Allen's assertion that "In no discovery requests... would be helpful... in responding to... Defendant's Motion, the fact that, as Defendant concedes, "the law requires that the facts as pled in Plaintiff's Complaint be accepted for purposes of deciding the Motion, and Judicial Defendant's Motion, therefore, accepts Plaintiff's facts as set forth in the Complaint, as true for purposes of the Motion," Plaintiff anticipate filing a motion for summary judg-

ment in response to Defendant Allen's motion to dismiss and a potential motion to amend the complaint to add the Defendant Motion Clerk's name, and thus effectuate service upon him or her upon completion of discovery, because Plaintiff believes that he has clearly set forth "independent claims" in his complaint against all the named Defendants and the motion Clerk upon which relief may be granted, and he can demonstrate same upon completion of discovery, and if deemed necessary, he can demonstrate same in an ~~and~~ amended complaint upon completion of discovery.¹

WHEREFORE, for the foregoing reasons, Plaintiff pray that he is granted leave to conduct discovery and respond to Defendant Allen's Motion to dismiss within 60 days.

Respectfully submitted,
Daryl Cook
DARYL COOK
pro se Plaintiff

1. Moreover, it is significant to note and Plaintiff hereby request this Court to take judicial notice that Defendant Allen misconstrued Plaintiff's injuries complained of in his complaint and failed to respond to or address his due process and conspiracy claims (i.e. Plaintiff is not complaining of injuries caused by the state-court judgments, he merely set forth facts which support his claims and from which inference of the acts of collusion and conspiracy can be drawn). See Complaint at 20-22. See also Discovery Requests attached.²

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing Reply and attached discovery requests to be served on this 9th day of June, 2017, by first class mail, to:

A. Taylor Williams, Esquire
Administrative Office of PA Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102

BY: Daryl Cook
DARYL COOK
JR8635
SCI-Fayette
Box 9999
LaBelle, PA 15450-0999

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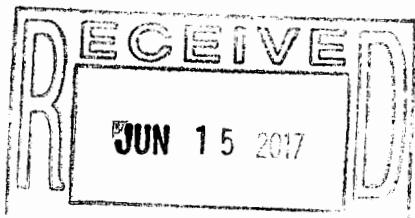
v.

: NO. 17-331

CITY OF PHILADELPHIA, et al. : (The Honorable Eduardo Robreno)

ORDER

AND NOW, this _____ day of _____, 2017, upon consideration of Plaintiff's pro se Reply to the Response of Judicial Defendant Jacqueline Allen in Opposition to Plaintiff's Motion for Leave to Conduct Discovery and Respond to Defendant Jacqueline Allen's Motion to Dismiss within Sixty (60) Days, ~~and~~ and any response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's motion is **GRANTED**. Defendant Allen is hereby directed to respond to Plaintiff's discovery requests attached to his Reply within thirty (30) days from the date of this order, and Plaintiff is hereby directed to file his response to Defendant Allen's motion to dismiss within sixty (60) days from the date of this order.



BY THE COURT:

J.